IN THE HIGH COURT OF UTTARAKHAND ATNAINITAL

Writ Petition No. 462 of 2007 (M/S)

Shri Dina Nath Harnal S/O Shri Roop Singh Harnal, R/O 17, Araghar, Hardwar Road, Dehradun, District Dehradun (Defendant).

....Petitioner.

Versus

1. Shri Sanju Harnal S/O Shri Dina Nath Harnal, R/O D-54 Sector-4 Defence Colony Dehradun, District Dehradun.
2. Shri Subhash Harnal, S/O Shri Dina Nath Harnal, R/O 17, Araghar, Hardwar Road, Dehradun District Dehradun.
3. Shri Bimal Harnal S/O Shri Dina Nath Harnal, R/O 17, Aragar, Hardwar Road, Dehradun, District Dehradun.
4. Additional Civil Judge (Senior Division) Dehradun, District Dehradun.

…..Respondents.

Ms. Prabha Noliyal, learned counsel for the petitioner.
Sri Gopal Narain Srivastava, Brief Holder for the State, learned counsel for the respondent no.4.

Dated May 18, 2007.

Hon'ble B.S.Verma, J.

The only prayer made in this writ petition is that the respondent no. 1 be directed to decide the Original Suit No. 168 of 2005 Shri Sanjiv Harnal Vs. Shri Dina Nath Harnal and others pending in that court expeditiously within a time frame with the allegations that the respondent no. 1 filed the suit for declaring certain gift deed dated 18-2-2005 executed by petitioner in favour of respondent no.2 as null and void as mentioned in the plaint and the plaintiff has also sought permanent prohibitory injunction against the defendant nos. 3 and 4. The defendants filed written statements in the suit and issues were framed on 18-8-2006. Since then the suit has not proceeded further and is at the stage of hearing but the respondent-plaintiff has not led any evidence in the suit. It has been alleged that the petitioner is an old man of 84 years and ill and infirm suffering from ailments. The petitioner has annexed a copy of the medical certificate as Annexure No.3 as well as copy

the entire order-sheet of the suit. It is alleged that the respondent is not interested in speedy decision of the suit.

In the facts and circumstances of the case coupled with the fact that the petitioner is a very old person aged 84 years, the Additional Civil Judge (Senior Division) Dehradun (respondent no.4) is directed to decide the Original Suit No. 168 of 2005 pending between the parties, expeditiously, on merits, as far as possible. Both the parties shall co-operate with the trial court in the speedy decision of the suit.

With the above direction, the writ petition is disposed of finally.

All applications stand disposed of.

(B.S. Verma, J.)

RCP